

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CORONADO UNIFIED SCHOOL  
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2014080815

ORDER DENYING MOTION TO  
DISMISS

On August 19, 2014, the Coronado Unified School District (Coronado) filed a request for a due process hearing (complaint), naming Student's parents on behalf of Student. Coronado seeks a ruling that its proposed March 11, 2014 individualized education program, as amended on April 3, 2014, offered Student a free appropriate public education.

On September 2, 2014, Student filed a motion to dismiss, contending that Student's parents signed their agreement to the IEP at issue, so there is no dispute between the parties.

On September 4, 2014, Coronado filed an opposition to the motion, contending that there is a disagreement between the parties as to the appropriateness of the IEP. On September 5, 2014, Student filed a reply, contending that any dispute between the parties arose after the signing of the IEP, so no controversy existed as to the IEP at the time it was signed.

Although OAH will grant motions to dismiss allegations that are facially outside of Office of Administrative Hearings jurisdiction (e.g., civil rights claims, section 504 claims, or enforcement of settlement agreements), special education law does not provide for a summary judgment procedure.

Here, Student's motion is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling that will require a factual determination. Accordingly, the motion is denied.

ORDER

Student's motion to dismiss is denied. The matter shall proceed as scheduled.

DATE: September 8, 2014

/s/

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SUSAN RUFF

Administrative Law Judge

Office of Administrative Hearings